

REMARKS/ARGUMENTS

Claims 1, 10, 11, 16, 25, 26, and 27 are amended herein. Claims 1-29 are currently pending.

Claims 1-29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,977,898 (Miriya). Applicant respectfully requests reconsideration of the rejection.

Claim 1 recites a method for forwarding data across a network that includes assigning a priority level to the data and determining a compression level for the data based on the priority level. The priority level is based on a delay tolerance of the data. Claim 1 has been amended to clarify that data supporting real time communication has a higher priority level than data not supporting real time communication.

Miriya discloses a method for supporting high priority calls on a congested WAN link. According to the disclosed method, when an incoming high priority call is recognized, if there is insufficient bandwidth available on a communication link to accommodate the new call, a new compression scheme is adopted on one or more existing voice channels so as to free up bandwidth on the communication link to support the new call. Miriya is only concerned with voice calls (real time communication). Whereas applicant's invention assigns a priority level based on a delay tolerance of the data and distinguishes between data that supports real time communication (e.g., voice calls) and data that does not support real time communication (e.g., text, email, web browsing).

Accordingly, claim 1, as amended, is submitted as not anticipated by Miriya.

Claims 2-9 and 28-29 each depend either directly or indirectly from claim 1 and are, therefore, each believed to be allowable over Miriya for at least the reasons set forth above with respect to claim 1. Each of these dependent claims recites additional limitations which, when considered in light of claim 1, are believed to further distinguish the claimed invention over the art of record.

Claim 9 is further submitted as patentable over the Miriyala patent which is directed to voice calls transmitted across a link using ATM (cell based) communication rather than forwarding data comprising a packet, as set forth in claim 9.

Claims 10, 11, 16, and 25-27, as amended, are submitted as patentable over Miriyala for the reasons discussed above with respect to claim 1. Each of these independent claims, in addition to any dependent claims which depend therefrom, include additional limitations which are believed to further distinguish the claimed invention over the art of record.

Claims 10, 14, 23, 25, and 27 are further submitted as not anticipated by Miriyala for the reasons discussed above with respect to claim 9.

Claim 13 is further submitted as not anticipated by the Miriyala patent because it does not disclose a network congestion estimator. Since Miriyala is directed to voice channels, the traffic congestion is known, therefore there is no need to estimate congestion.

For the foregoing reasons, Applicant believes that all of the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 399-5608.

Respectfully submitted,



Cindy S. Kaplan
Reg. No. 40,043

P.O. Box 2448
Saratoga, CA 95070
Tel: 408-399-5608
Fax: 408-399-5609